

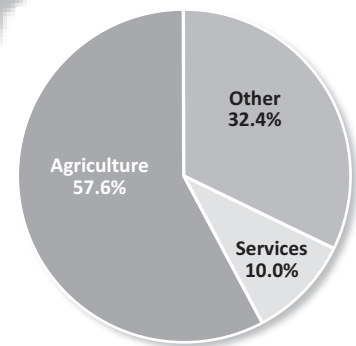
Lesotho

The Government of Lesotho made primary school education free and compulsory in 2010 and adopted the Anti-Trafficking in Persons Act in January 2011. However, unsafe child labor continues to exist in livestock herding and domestic service. The Government has neither developed a list of hazardous activities nor enacted a National Plan of Action against child labor. Resource constraints remain major impediments to government efforts.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	2.2*
Attending School	5-14 yrs.	81.8
Combining Work and School	7-14 yrs.	25.3

* Population of working children: 11,833



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lesotho are engaged in the worst forms of child labor,³³⁵¹ including livestock herding and domestic service. Boys primarily herd livestock.³³⁵² Child herders often work in cattle posts for long hours and are exposed to extreme weather conditions, denied an education and are at risk of being attacked by armed men.³³⁵³ Some children also work in agriculture.³³⁵⁴ Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.³³⁵⁵

Children, mostly girls, are commonly employed as domestic servants.³³⁵⁶ Domestic servants in Lesotho work long hours, sometimes up to 16 hours a day, and are susceptible to sexual abuse.³³⁵⁷ Children also engage in informal street vending.³³⁵⁸ Children working on the streets as vendors may be exposed to many dangers, including severe weather, vehicle accidents and

criminal elements. They may also face physical and verbal abuse from older vendors.³³⁵⁹

Other worst forms of child labor exist in Lesotho. Children are used by criminals to engage in illicit activities, such as theft, drug trafficking and dealing in stolen goods.³³⁶⁰ These children are vulnerable to commercial sexual exploitation as well.³³⁶¹ Children are reportedly trafficked from Lesotho to South Africa for commercial sexual exploitation and domestic service.³³⁶² Anecdotal evidence also suggests some street children scavenge through toxic waste dumps in and around garment manufacturing factories, where they are exposed to dangerous chemicals.³³⁶³

Lesotho has the third-highest rate of HIV prevalence in the world.³³⁶⁴ The HIV/AIDS pandemic contributed to a rapid increase in the number of orphans and vulnerable children (OVC) in Lesotho from 2005 to 2008.³³⁶⁵ OVCs, especially girls, often become primary caregivers for other family members.³³⁶⁶ These vulnerable

children frequently leave school and engage in the worst forms of child labor to survive, including prostitution and domestic service.³³⁶⁷

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code, the minimum age for employment is 15, and the minimum age for hazardous work is 18. Children age 13 to 15 may perform light work in a home-based environment, technical school or other institution approved by the Government.³³⁶⁸ The Labor Code prohibits the employment of children at night, in mines and quarries, and in work that is likely to jeopardize their health, safety and morals.³³⁶⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	Yes

Gaps in the law remain. No law specifies the types of hazardous work that may cause harm to children's health, safety and morals.³³⁷⁰ The Labor Code does not extend hazardous work protections to children employed without a contract.³³⁷¹ The enforcement of Lesotho's labor laws is limited to the formal sector and does not adequately protect

children involved in the informal economy, including domestic service and street vending.³³⁷²

No legislation prohibits the use of children for the distribution and production of drugs, a known problem in Lesotho.³³⁷³ Lesotho's Anti-Trafficking in Persons Act prohibits trafficking of all citizens, including children, for all forms of exploitation, including sexual or labor exploitation. Violators can be prosecuted under the Child Protection Act of 1980, the Sexual Offenses Act of 2003 and the Labor Code Order of 1981, as amended.³³⁷⁴ The Children's Protection and Welfare Act, which criminalizes and defines child trafficking, was enacted on March 31, 2011.³³⁷⁵ The Anti-Trafficking in Persons Act was enacted into law in January 2011 and provides for a maximum penalty of life imprisonment for child trafficking or a fine of 2,000,000 *Malotis* (about \$300,021).³³⁷⁶

Lesotho's Education Act of 2010 makes primary cycle education compulsory and tuition-free until the age of 13, but the minimum age for work is set at 15, creating a gap between the age when compulsory education ends and the age when children can legally work.³³⁷⁷ This policy aims to eliminate school fees across the country through a phased approach and provide school meals to vulnerable children.³³⁷⁸

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Lesotho established coordination mechanisms for fighting trafficking, research found no evidence of a coordination mechanism to combat the worst forms of child labor.³³⁷⁹ In July 2009, the Government launched the Multi-Sectoral Committee on Trafficking (MCT).³³⁸⁰ The MCT comprises representatives of government ministries, NGOs, international organizations and law enforcement. Participating ministries include the Ministry of Foreign Affairs and International Relations; the Ministry of Gender, Youth and Sports; the Ministry of Justice and Human Rights; the Ministry of Health and

Social Welfare; the Ministry of Education and Training; the Ministry of Labor and Employment (MOLE); the Ministry of Home Affairs; and the Ministry of Law and Constitutional Affairs.³³⁸¹

Despite this level of participation, the MCT does not have financial resources or a finalized National Plan of Action.³³⁸²

MOLE and the Child and Gender Protection Unit (CGPU) of the national police are responsible for enforcing child labor laws and investigating child labor violations.³³⁸³ While there are no child labor specific inspections, MOLE carries out general inspections under the Labor Code, and the CGPU investigates violations of Lesotho's Children's Rights Act.³³⁸⁴ MOLE has 47 inspectors and the CGPU has 30 inspectors. In 2010, MOLE inspectors did not identify any child labor violations.³³⁸⁵ According to ILO, the labor inspection system in Lesotho could become more efficient and effective with additional financial resources.³³⁸⁶

The CGPU is responsible for enforcing laws related to hazardous and forced child labor, child prostitution, child trafficking and the use of children for illicit activities.³³⁸⁷ It has an office staffed by three officers in each of Lesotho's 11 police districts.³³⁸⁸ During the reporting period, the CGPU did not investigate any cases related to child trafficking, child prostitution or the use of children in illicit activities.³³⁸⁹ The Government also did not provide any specific funding for the CGPU to investigate the worst forms of child labor.³³⁹⁰

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have an approved policy framework for the elimination of the worst forms of child labor. The Government completed a National Action Plan for the elimination of child labor in 2008, but it has not yet been approved by Lesotho's cabinet.³³⁹¹ The

MCT developed a national action plan to combat human trafficking. However, as of 2009, it had not presented this plan to the Cabinet for review.³³⁹²

The Government's National Orphans and Vulnerable Children strategic plan notes that OVCs are exposed to child labor. The plan calls for improved child welfare legislation and expanded vocational training, but it does not propose any social programs to withdraw or prevent such children from engaging in exploitative labor.³³⁹³

The United Nations Development Assistance Framework (UNDAF) (2008 and revised in 2009) developed core strategies to set national priorities for poverty reduction and the attainment of the Millennium Development Goals in Lesotho. These include provisions for vulnerable populations, such as children with HIV/AIDS and OVCs.³³⁹⁴ UNDAF promotes education for herd boys, domestic workers and vulnerable children. It also supports youth employment and builds the Government's capacity to provide social welfare services to vulnerable children.³³⁹⁵ However, no activities were implemented in 2010.³³⁹⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Lesotho managed programs that reached children engaged in or at risk of entering the worst forms of child labor. The Government's National HIV and AIDS Strategic Plan (2006-2011) aims to provide education and economic strengthening services to OVCs and to reduce the impact of HIV/AIDS on OVCs, herd boys and girls.³³⁹⁷ Through its National Aids Commission, the Government of Lesotho also developed the HIV/AIDS Strategic Plan 2010-2012 for the herd boys community, which calls for access to education and HIV/AIDS awareness raising for herders.³³⁹⁸ The Government also conducted extensive public campaigns to increase awareness of human trafficking.³³⁹⁹

In cooperation with UNICEF, the Government implemented the Child Grants Program in 2009 to provide direct cash transfers to vulnerable households in three districts. The program aimed to improve the welfare of children burdened with poverty, food insecurity, HIV/AIDS and poor

access to public services.³⁴⁰⁰ The Government of Lesotho continued its partnership with ILO's Decent Work Agenda for the Southern Africa sub-region.³⁴⁰¹ Lesotho's Decent Work Agenda is part of a broader action plan to eliminate the worst forms of child labor in Africa by 2016.³⁴⁰²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Lesotho:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a list of all hazardous activities prohibited for children, including the specific types of hazardous work that are likely to harm their health, safety and morals.
- Ensure that labor laws provide protections for all children, regardless of labor contract status.
- Fully implement existing laws to—
 - Prohibit the use of children for drug trafficking.
 - Provide protection for child domestic servants and street children.
- Fully implement the Education Act of 2010, allowing all children in Lesotho to benefit from free education.
- Increase the age of compulsory schooling to 15 to match the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor that includes government efforts related to OVCs, education and HIV/AIDS.
- Provide the MCT with a clear mandate.
- Devote more financial resources to enforcing child labor laws.

IN THE AREA OF GOVERNMENT POLICIES:

- Enact and implement the draft national action plans to combat child labor and trafficking.
- Articulate and implement actions to address the stated priority of child labor prevention within the national development agenda for OVCs.
- Implement activities under the UNDAF plan.

IN THE AREA OF SOCIAL PROGRAMS:

- Extend the Child Grants programs to all districts of Lesotho.
- Implement an awareness-raising campaign to educate street children who scavenge in toxic waste dumps of factories.

³³⁵¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data on working children and school attendance are from 2002. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³³⁵² Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, Ministry of Employment and Labor and ILO, Maseru, 2006, 3-5. See also ILO Committee of Experts, *CEACR: Individual Direct Request, Worst Forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001) Submitted 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=27081&chapter=9&query=Lesotho%40ref&highlight=&querytype=bool&context=0>.

³³⁵³ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 5. See also U.S. Embassy- Maseru, *reporting, February 1, 2010*, para 5.

³³⁵⁴ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*, Maseru, January 28, 2011, 2.

³³⁵⁵ ILO, *World Day Against Child Labor*, Maseru, June 12, 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4048>.

³³⁵⁶ U.S. Embassy- Maseru, *reporting, February 1, 2010*, paras 2, 7.

³³⁵⁷ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*.

³³⁵⁸ U.S. Embassy- Maseru, *reporting, February 1, 2010*, paras 2, 3, 6.

³³⁵⁹ *Ibid.*, para 6. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6.

³³⁶⁰ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 3-4. See also U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 1b.

³³⁶¹ U.S. Embassy- Maseru, *reporting, February 22, 2010*, paras 2-4.

³³⁶² *Ibid.*, para 1b. See also UNICEF, "Humanitarian Action Lesotho in 2007," (2007), 25; available from www.unicef.org/har07/files/countrychap_Lesotho.pdf.

³³⁶³ Dan MacDougall, "Gap's factory is danger to African children," *The Sunday Times* (Maseru), August 2, 2009.

³³⁶⁴ USAID, *The President's Emergency Plan for AIDS Relief: FY 2009 Country Profile: Lesotho*, [online] [2010 [cited May 18, 2011]; available from http://sa.usaid.gov/southern_africa/print/93.

³³⁶⁵ Government of Lesotho, *National HIV and AIDS Strategic Plan: 2006-2011 (Revised April 2009)*, National AIDS Commission, April 2009, paras 4.4.2.1 available from http://www.nas.org.ls/documents/REVISED_NSP_FINAL_VERSION.pdf.

³³⁶⁶ *Ibid.*

³³⁶⁷ ILO-IPEC, *SCREAM: A special module on HIV, AIDS, and Child Labour*, Geneva, , 2007; available from <http://www.ilo.org/ipec/Campaignandadvocacy/Scream/lang--en/index.htm>. See also Government of Lesotho, *National HIV and AIDS Strategic Plan*, para 4.4.3.1.

³³⁶⁸ Government of Lesotho, *Labour Code Order*, 24, (1992), sections 3, 124(1-2), 125(1); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm>.

³³⁶⁹ *Ibid.*, sections 125(1), 126(1), 127(1).

³³⁷⁰ ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001)*; *CEACR 2004/75th Session*, Geneva, 1999; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=1800&hdroff=1&lang=EN#2007>.

³³⁷¹ *Ibid.*

³³⁷² U.S. Embassy- POST, *Reporting*, Maseru, February 1 2010. para 15

³³⁷³ ILO Committee of Experts, *Individual Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001)*; *Submitted: 2009*, [1999 [cited May 18, 2011]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

³³⁷⁴ U.S. Department of State, "Lesotho (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³³⁷⁵ U.S. Embassy- Maseru official, E-mail communication USDOL official, June 30, 2011.

³³⁷⁶ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*, para 9.

³³⁷⁷ Ibid., para 7. See also Afrol News, *Lesotho enacts free compulsory education*, [2010 [cited March 4, 2011]; available from <http://www.afrol.com/articles/36113>.

³³⁷⁸ UN General Assembly, *National report Submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lesotho*, February 22, 2010, para 92; available from <http://www.upr-info.org/-Lesotho-.html>. See also World Bank, *Project Appraisal Document on Proposed Catalytic Fund Grant to The Kingdom of Lesotho*, Maseru, June 29 2010.

³³⁷⁹ U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 2b.

³³⁸⁰ U.S. Department of State, “Lesotho (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³³⁸¹ U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 1a.

³³⁸² Government of Republic of South Africa, *Tsireledzani: Understanding the dimensions of human trafficking in Southern Africa.*, HSRC, March 2010; available from http://www.hsrb.ac.za/Research_Publication-21609.phtml.

³³⁸³ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*, paras 12, 13.

³³⁸⁴ Ibid., para 13.

³³⁸⁵ Ibid., para 13.

³³⁸⁶ A. Sivananthiram, *Assessment of the Labour Inspection System in Lesotho; Draft conclusions and recommendations of the mission to evaluate the system of labour inspection*, Geneva, March 2005, 7.

³³⁸⁷ U.S. Embassy- Maseru, *reporting, February 1, 2010*, paras 16, 17, 19.

³³⁸⁸ UNESCO, *Human Trafficking in Lesotho: Root Causes and Recommendations*, Paris, 2007, 50; available from <http://unesdoc.unesco.org/images/0015/001528/152824E.pdf>. See also U.S. Embassy- Maseru official, E-mail communication to USDOL official, November 10, 2010.

³³⁸⁹ U.S. Embassy- Maseru, *reporting, February 1, 2010*, para 20.

³³⁹⁰ Ibid., para 19.

³³⁹¹ Ibid., paras 21, 23.

³³⁹² U.S. Department of State, “Trafficking in Persons Report- 2010: Lesotho.”

³³⁹³ Government of Lesotho, *National OVC Strategic Plan: 2006-2011*, 6, 13-14, 108-114; available from <http://www.health.gov.ls/National%20OVC%20Strategic%20Plan-%20%20a%20copy%20032007.pdf>.

³³⁹⁴ United Nations Development Assistance Framework, *Annual Work Plan 2010*, Maseru, March 2010.

³³⁹⁵ United Nations Development Assistance Framework, *United Nations Development Assistance Framework: Action Plan, 2008-2012*, Maseru, December, 2009, 6; available from http://www.ls.one.un.org/whatwedo/undaf_action_plan.php. See also Government of Lesotho, *Education Sector Strategic Plan 2005 to 2015.*, March 2005, para 4.6.2.

³³⁹⁶ United Nations Development Assistance Framework, *Annual Work Plan 2010*.

³³⁹⁷ Government of Lesotho, *National HIV and AIDS Strategic Plan*, paras 4.4.2.4, 4.4.3.4, 4.4.4.

³³⁹⁸ Monna KA Khomo, *HIV and AIDS Strategic Plan 2010-2012 For the Herd Boys Community in Lesotho.*, Maseru, 2010.

³³⁹⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Lesotho.”

³⁴⁰⁰ UNICEF, *Lesotho cash-grants pilot programme aims to ensure vulnerable children's rights*, November 18, 2009; available from http://www.unicef.org/infobycountry/lesotho_51799.html?q=printme.

³⁴⁰¹ ILO, Decent Work Country Programme; Lesotho; 2006 to 2009, Geneva, 2006, 1, 18; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf

³⁴⁰² ILO, Implementation of Decent Work Country Programmes, Geneva, April 2007, paras 1, 4; available from http://www.ilo.org/public/english/region/afpro/addisababa/pdf/dwcp_in_africa.pdf.